

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHRISTOPHER A. BAROSH, :
Plaintiff, :
: : No. 1:19-cv-322
v. :
: : (Judge Rambo)
NADINE RAMIREZ, *et al.*, :
Defendants :
:

ORDER

AND NOW, on this 27th day of January 2020, in accordance with the Memorandum accompanying this Order, **IT IS ORDERED THAT:**

1. The motions to dismiss filed by Defendants Cohen, Farrell, and the DAO (Doc. Nos. 34, 49) are **GRANTED**;
2. Plaintiff's claims against Defendant Farrell and his claims for damages pursuant to the Pennsylvania Constitution are **DISMISSED WITH PREJUDICE**. Plaintiff's claims against Defendants Cohen, the DAO, and John Doe are **DISMISSED WITHOUT PREJUDICE**;
3. Plaintiff is granted thirty (30) days from the date of this Order to file an second amended complaint regarding his claims against Defendants Cohen, the DAO, and John Doe. If Plaintiff elects to file a second amended complaint, Plaintiff is advised to adhere to the standards set forth in the Federal Rules of Civil Procedure and the directives set forth by this Court in its accompanying Memorandum. Specifically, the second amended complaint must be complete in all respects. It must be a new pleading which stands by itself without reference to the original complaint and amended complaint or any other documents already filed. The second amended complaint should set forth Plaintiff's claims in short, concise and plain statements as required by Rule 8 of the Federal Rules of Civil Procedure. Each paragraph should be numbered. The second amended complaint should specify which actions are alleged as to which defendants and sufficiently allege personal involvement of the defendant in the acts which Plaintiff claims violated his rights. Mere conclusory allegations will

not set forth cognizable claims. Importantly, should Plaintiff elect to file a second amended complaint, he must re-plead every cause of action, including his claims against Defendants Ramirez, Bingman-Forshey, and the DOC, in the second amended complaint because the second amended complaint will supersede the original complaint and amended complaint. *See Knight v. Wapinsky*, No. 12-cv-2023, 2013 WL 786339, at *3 (M.D. Pa. Mar. 1, 2013) (stating that an amended complaint supersedes the original complaint. Because an amended complaint supersedes the original pleading, all causes of action alleged in the original complaint which are not alleged in an amended complaint are waived. *Id.* (citations omitted)). The Clerk of Court is **DIRECTED** to mail Plaintiff a civil rights complaint form to use for filing his second amended complaint; and

4. If Plaintiff files a second amended complaint, it will supersede the original complaint and amended complaint as set forth above. If Plaintiff fails to file a second amended complaint within thirty (30) days of the date of this Order, the Court will proceed on Plaintiff's amended complaint (Doc. No. 19) as to his claims against Defendants Ramirez, Bingman-Forshey, and the DOC.

s/Sylvia H. Rambo
Sylvia H. Rambo
United States District Judge